

### **REMARKS**

Please reconsider this application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-10, 15, 16, and 20-27 were pending in the present application. By way of this reply claims 20-27 are canceled. Accordingly, claims 1-10, 15, and 16 are now pending. Claims 1, 15, and 16 are independent. The remaining claims depend, either directly or indirectly, from independent claim 1.

#### **Claim Amendments**

Claims 1, 15, and 16 are amended by way of this reply to further clarify aspects of the invention. Support for these amendments may be found in at least paragraphs [0007] and [0008] of the specification as filed. No new matter is added by way of these amendments.

#### **Drawings**

Applicants respectfully request that the Examiner indicate whether the drawings filed on November 24, 2003 are accepted.

#### **Examiner Interview**

Applicants thank the Examiner for the courtesies extended during the Examiner Interview on April 21, 2009. The Applicants have made amendments consistent with those discussed during the

Examiner Interview on April 21, 2009, and encourage the Examiner to contact the Applicants should further clarification or additional information be required.

### **Election/Restrictions**

Claims 20-27 stand restricted for being directed towards an invention that is independent or distinct from the originally claimed invention. The Examiner has withdrawn claims 20-27 from consideration because the originally claimed invention has been constructively elected. *See* Action, at 2. By way of this reply, claims 20-27 are canceled. Accordingly, claims 1-10, 15, and 16 are elected for continued prosecution without traverse. Withdrawal of the restriction is respectfully requested.

### **Objection to the Specification**

The abstract of the disclosure stands objected to for including language which may be implied. *See* Action at 2. Specifically, the abstract includes, “The present invention enables...” By way of this reply, the abstract is amended to avoid using phrases which can be implied, as required by MPEP § 608.01(b). Accordingly, withdrawal of the objection is respectfully requested.

### **Rejections under 35 U.S.C. § 101**

Claims 1-10 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Specifically, the Examiner contends that the claims are neither tied to another statutory class nor do they transform the underlying subject matter. *See* Action at 3. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

“A claimed process is surely patent-eligible subject matter under § 101 if: (1) it is tied to a particular machine or apparatus, *or* (2) it transforms a particular article into a different state or thing.” [Emphasis Added]. *In re Bilski*, No. 2007-1130, slip op. at 9 (Fed. Cir., 2008).

Claim 1 is amended to provide a sufficient tie to “a particular machine or apparatus” (*i.e.*, a processor of a computer system) and thus satisfies the patent eligible subject matter test under 35 U.S.C. § 101 discussed in *Bilski*. Dependent claims 2-10, which depend, either directly or indirectly, from amended claim 1, satisfy 35 U.S.C. § 101 for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 1-10, 15, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0044781 (“Shutes”). To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

A claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See*, MPEP § 2131. Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants respectfully submit that Shutes does not anticipate amended independent claims 1, 15, and 16.

Shutes fails to disclose each and every element of amended claim 1. In general, Shutes discloses an apparatus and process for expediting the licensing and management of content for various forms of media. *See* Shutes, Abstract. Specifically, Shutes merely discloses the notion of

creating templates and that templates may be stored. Shutes provides no further detail. Therefore, Shutes does not disclose at least that the report template is selected by a first user, was created by a second user, and that the first and second user are different. Further, Shutes does not disclose that financial data is stored independently of the report template. Accordingly, Shutes cannot possibly disclose each and every element of amended claim 1.

Applicants respectfully assert Shutes does not support a rejection of amended independent claim 1. Independent claims 15 and 16 contain similar amendments to claim 1, and therefore Shutes also does not support a rejection of amended independent claims 15 and 16. Likewise, Shutes does not support a rejection of dependent claims 2-10 which depend, either directly or indirectly, from amended independent claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

## **Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 37202/127002).

Dated: April 23, 2009

Respectfully submitted,

By           /Robert P. Lord/          

Robert P. Lord

Registration No.: 46,479

OSHA · LIANG LLP

3945 Freedom Circle, Suite 300

Santa Clara, California 95054

(408) 727-0600

(408) 727-8778 (Fax)

*Attorney for Applicants*

486634\_1